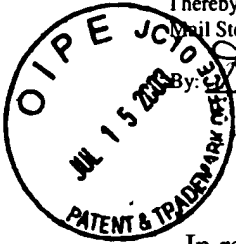


Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Mail Stop: Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 10, 2003.

By: *Diane Kizer* Printed: Diane Kizer



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Lal et al.

Title: NEW SYNAPTOJANIN ISOFORM

Serial No.: 09/854,093

Filing Date:

May 10, 2001

Examiner: Sheinberg, M.

Group Art Unit:

1634

Mail Stop: Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON-RESPONSIVE AMENDMENT

Sir:

This paper is responsive to the Notice of Non-Responsive Amendment dated May 20, 2003, setting a 1 month(s) term for response.

In the notice, a copy of which is attached, The Examiner alleges that the amendment filed on 14 April 2003 electing Group I (claims 1-4) drawn to polypeptides, SEQ ID NO:1, is non-responsive because the sequence of SEQ ID NO:1 as stated by the claim "an amino acid sequence of SEQ ID NO:1" (claim 1, line 3) is not an amino acid sequence but a nucleic acid sequence as per the instant application's computer readable format of the Sequence Listing. The Examiner further stated that applicant is reminded that the paper Sequence Listing and the computer readable format must be identical. A Sequence Listing and a computer readable format of it must be provided with a statement that the two are identical, and also requested applicant to amend the claims to reflect the election.

Applicants submit that the paper copy of the Sequence Listing submitted with application, as filed, correctly reflects SEQ ID NO:1 as a polypeptide sequence, as does the paper copy of the Sequence Listing originally submitted with the priority application, USSN 08/904,324.

Accordingly, applicants submit herewith a Substitute Sequence Listing under 37 CFR § 1.821-

1.825 together with a substitute diskette containing the computer readable format of the Sequence Listing together with a statement that the two are identical. Applicants therefore submit that the Examiner's requirement that applicants amend the claims is unnecessary and request that the amendment filed on 14 April 2003 be entered.

CONCLUSION

Applicants believe that no fee is due with this communication. However, if the USPTO determines that a fee is due, the Commissioner is hereby authorized to charge Deposit Account No. **09-0108**.

Respectfully submitted,

INCYTE CORPORATION

Date: July 14, 2003

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JUN 25 2003



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,093	05/10/2001	Preeti G. Lal	PF-0357-1 DIV	8489

09/854,093 7590 06/20/2003
INCYTE CORPORATION (formerly known as Incyte
Genomics, Inc.)
60 PORTER DRIVE
PALO ALTO, CA 94304

EXAMINER

SHEINBERG, MONIKA B

ART UNIT

PAPER NUMBER

1634

DATE MAILED: 06/20/2003

COPY

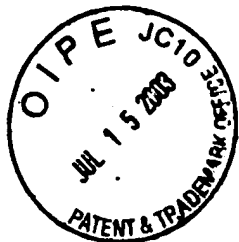
Please find below and/or attached an Office communication concerning this application or proceeding.

Incyte Genomics Inc.
Patent/Corp. Legal Dept.
Received
JUN 25 2003



UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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0603

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Notice of Non-Responsive Amendment

The amendment filed on 14 April 2003 electing Group I (claims 1-4) drawn to polypeptides, SEQ ID NO: 1, is non-responsive because the sequence of SEQ ID NO: 1 as stated by the claim "amino acid sequence of SEQ ID NO: 1" (claim 1, line 3) is not an amino acid sequence but a nucleic acid sequence as per the instant application's computer readable format of the Sequence Listing. Applicant is reminded that the paper Sequence Listing and the computer readable format *must be identical*. A Sequence Listing and a computer readable format of it must be provided *with a statement that the two are identical*. Applicant is also requested to amend the claims to reflect the election.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.


Inquiries

Papers related to this application may be submitted to Technical Center 1600 by facsimile transmission. Papers should be faxed to Technical Center 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993) (See 37 CFR § 1.6(d)). The CM1 Fax Center number is (703) 308-4242.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monika B. Sheinberg, whose telephone number is (703) 306-0511. The examiner can normally be reached on Monday-Friday from 9 A.M to 5 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Jones, can be reached on (703) 308-1152.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Patent Analyst, Chantae Dessau, whose telephone number is (703) 605-1237, or to the Technical Center receptionist whose telephone number is (703) 308-0196.

June 17, 2003
Monika B. Sheinberg
Art Unit 1634


W. Gary Jones
Supervisory Patent Examiner
Technology Center 1600